

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RALPH FABIANO,

:

10 Civ. 5722 (SHS) (AJP)

Plaintiff,

:

**ORDER TO SHOW CAUSE**

-against-

:

BAYER AG, et al.,

:

Defendants.

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**ANDREW J. PECK, United States Magistrate Judge:**

The complaint was filed and summons issued on July 28, 2010. Thus, under Federal Rule of Civil Procedure 4, plaintiff's time to serve the complaint expired on November 25, 2010. Plaintiff is to show cause by December 7, 2010 why the case should not be dismissed without prejudice for failure to serve the defendants. If defendants have been served and their time to respond has expired, plaintiff is to move for a default, by December 7, 2010.

SO ORDERED.

Dated: New York, New York  
November 30, 2010

  
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Andrew J. Peck  
United States Magistrate Judge

Copies **by Fax & ECF** to: Andrew S. Goodstadt, Esq.  
Gregory N. Filosa, Esq.  
Judge Sidney H. Stein